IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22411 of 2004

Between:

Adusumilli Venkataramaiah, S/o.Shri Chalamaiah,
R/o.D.No.6-21-11, KT Road, Chittinagar Vijayawada-1.

... PETITIONER

AND

Vijayawada Municipal Corporation, rep.by it's Commissioner,

Vijayawada-520001.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondent herein in laying road dividers in KT Road which is of 60 feet road as illegal and dangerous to the lives of inhabitants and consequently direct the respondent to frame proper rules or regulations under Vijayawada Municipal Corporation Act 1981 for laying of road dividers in smaller streets after addressing the grievances of the petitioner's representation dt.29-11-2004.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: MR.T.S.VENKATARAMANA

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the respondent in laying road dividers in the entire city, and particularly in K.T. road of Chitti Nagar, Vijayawada, as illegal and arbitrary.

2. What should be the length and width of the road, and whether a road requires a divider or not is a matter for the Police in the Traffic Department and Road Safety Experts to consider, which is generally considered keeping in view various factors, namely flow of traffic, pavement users, number of vehicles plying on the road etc., and this Court in exercise of its power under Article 226 of the Constitution of India, does not go into such requirement, which are normally in the domain of expert bodies.

3 . The writ petition has no merit, and the same is accordingly dismissed. This order, however, does not preclude the respondent-authorities from considering the representation dated 29-11-2004, and passing appropriate orders, in accordance with law.

_____

N.V. RAMANA, J

December 6, 2004

MRR/KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Commissioner, Vijayawada Municipal Corporation,

Vijayawada-520001.

2. Two C.D. Copies.